

Document Page 1 of 5
UNITED STATES BANKRUPTCY COURT

NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION

IN RE:

Luis M. Neria
Beatriz Neria

Case No.: 16-29033
Chapter: 7
Hearing Date: 9/28/16

Debtor(s) Judge Carol A. Doyle

NOTICE OF MOTION

TO: Robert B Katz, Interim Trustee, 53 West Jackson Blvd, Suite 1320, Chicago, IL 60604 by electronic notice through ECF
Luis M. Neria, Beatriz Neria, Debtor(s), 706 Newton Ct., Schaumburg, IL 60194
Ivan Rueda, Attorney for Debtor(s), 1217 N. Milwaukee Ave. 2nd Fl., Chicago, IL 60622 by electronic notice through ECF

PLEASE TAKE NOTICE that on the 9/28/16, at 10:00AM, or as soon thereafter as counsel may be heard, I shall appear before the Honorable Judge Carol A. Doyle, Bankruptcy Judge, in the courtroom usually occupied by him/her at the Everett McKinley Dirksen Building, 219 South Dearborn, Chicago, Illinois, room 742, or before any other Bankruptcy Judge who may be sitting in his/her place and stead, and shall then and there present this Motion of the undersigned, a copy of which is attached hereto and herewith served upon you, and shall pray for the entry of an Order in compliance therewith, at which time you may appear if you so desire.

PROOF OF SERVICE

The undersigned, an attorney, hereby certifies that I have served a copy of this Notice along with the attached Motion upon the parties listed above, as to the Trustee and Debtor's attorney via electronic notice on September 20, 2016 and as to the debtor by causing same to be mailed in a properly addressed envelope, postage prepaid, from 7140 Monroe Street, Willowbrook, IL 60527 before the hour of 5:00 PM on September 20, 2016.

/s/ Joel P. Fonferko
Attorney for Movant

Berton J. Maley ARDC#6209399
Rachael A. Stokas ARDC#6276349
Gloria C. Tsotsos ARDC#6274279
Jose G. Moreno ARDC#6229900
Peter C. Bastianen ARDC#6244346
Joel P. Fonferko ARDC#6276490
Codilis & Associates, P.C.
15W030 North Frontage Road, Suite 100
Burr Ridge, IL 60527
(630) 794-5300
C&A FILE (14-16-10033)

NOTE: This law firm is a debt collector.

CERTIFICATE OF SERVICE

The undersigned, an attorney, hereby certifies that I have served a copy of this Notice along with the attached Motion upon the parties listed below, as to the Trustee and Debtor's attorney via electronic notice on September 20, 2016 and as to the debtor by causing same to be mailed in a properly addressed envelope, postage prepaid, from 7140 Monroe Street, Willowbrook, IL 60527 before the hour of 5:00 PM on September 20, 2016.

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/s/ Joel P. Fonferko

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**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION**

IN RE:

Luis M. Neria
Beatriz Neria

Debtor(s)

Case No.: 16-29033
Chapter: 7
Hearing Date: 9/28/16
Judge Carol A. Doyle

MOTION FOR RELIEF FROM THE AUTOMATIC STAY

NOW COMES DEUTSCHE BANK NATIONAL TRUST COMPANY, AS INDENTURE TRUSTEE UNDER THE INDENTURE RELATING TO IMH ASSETS CORP, COLLATERALIZED ASSET-BACKED BONDS, SERIES 2005-8, (hereinafter "Movant"), by and through its attorneys, Codilis & Associates, P.C., and moves this Honorable Court pursuant to 11 U.S.C. §362(d) for an Order granting Movant relief from the automatic stay and in support thereof states as follows:

1. This Court has jurisdiction pursuant to 28 U.S.C. §1334 and Internal Operating Procedure 15(a) of the United States District Court for the Northern District of Illinois, Eastern Division;
2. On 9/12/16, Debtor(s) filed this case resulting in the imposition of an automatic stay pursuant to 11.U.S.C. §362 of the Bankruptcy Code;
3. Prior to the filing of this case, a foreclosure sale of the real estate commonly known as 706 Newton Court, Unit 706, Schaumburg, IL 60194 (hereinafter "Subject Property") was completed and confirmed (See Attached Order Approving Report of Sale and for Possession);
4. Debtor(s) is/are the former mortgagor(s) of the Subject Property and the Voluntary Petition filed herein indicates that Debtor(s) continue(s) to reside in the Subject Property;

5. Relief from the automatic stay is required in order to proceed with any action to evict or remove Debtor(s) from the Subject Property;

6. Movant is entitled to relief from stay under the following reasons:

- a. Movant is owner of property and wishes to assert its possessory rights;
- b. There is no equity in the Subject Property;

7. This Court has authority to order that Rule 4001(a)(3) is not applicable to the order entered in granting this motion, and Movant requests this Court so order;

8. Movant has incurred attorney fees and/or costs in connection with this bankruptcy proceeding which have been included in the calculation of any default figures quoted herein including:

\$750.00 for Preparation of Notice and Motion for Relief from the Automatic Stay, and prosecution of same

\$176.00 for Court filing fee

WHEREFORE, DEUTSCHE BANK NATIONAL TRUST COMPANY, AS INDENTURE TRUSTEE UNDER THE INDENTURE RELATING TO IMH ASSETS CORP, COLLATERALIZED ASSET-BACKED BONDS, SERIES 2005-8 prays this Court enter an Order pursuant to 11 U.S.C. Section 362(d) modifying the automatic stay as to Movant, allowing the fees and costs described herein to be added to the indebtedness pursuant to the terms of the note and mortgage, and for such other and further relief as this Court may deem just and proper.

Dated this September 20, 2016.

Respectfully Submitted,

Codilis & Associates, P.C.

By: /s/ Joel P. Fonferko

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